

## **Remarks**

### **1. Summary of Office Action**

In the office action mailed June 13, 2005, the Examiner rejected claims 3-9, 11, 16-17, 20-21, and 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,643,517 (Steer). Further, the Examiner rejected claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Steer in view of U.S. Patent No. 5,778,304 (Grube).

### **2. Amendments and Pending Claims**

Applicant has amended claims 11, 16-17, and 33, and has cancelled claims 3-7, 20-21, and 23. Now pending in this application are claims 8-9, 11, 16-17, and 33, of which claim 11 is independent.

### **3. Response to § 102 Rejections**

As noted above, the Examiner rejected claims 3-9, 11, 16-17, 20-21, and 23 under 35 U.S.C. § 102(e) as being anticipated by Steer. Under M.P.E.P. § 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Applicant respectfully traverses the anticipation rejection of pending claims 8-9, 11, and 16-17 because Steer does not disclose or suggest each and every element as recited in any of these claims as amended.

Applicant has amended independent claim 11 to include limitations recited in cancelled claims 3-7. The Examiner has already examined the limitations of claims 3-7. Steer does not teach or suggest all of the functions recited in amended claim 11.

In particular, Steer fails to teach a method that involves (i) when the device is in a given location, the device receiving a control signal associated with the given location, wherein the control signal comprises a set of alternative control logic to be executed by the device when the

device receives the ring signal, wherein the alternative control logic causes the device to present a vibration alert signal when the device receives the ring signal, or (ii) the device thereafter receiving the ring signal and responsively applying the alternative control logic to present the vibration alert signal rather than applying the default control logic to present the audible alert signal, as recited in claim 11.

Steer teaches a method in which a device operates in a restricted mode upon determination that the device is inside a protected region, and operates in an unrestricted mode upon determination that the device is outside the protected region. (*See, e.g.*, Steer, at 3, lines 50-60; column 7, lines 34-47; Figure 3). At best, Steer teaches the restricted mode operation may include: (i) no transmissions allowed under any circumstances, (ii) only emergency transmissions allowed, (iii) only non-voice type calls allowed, (iv) only incoming calls with no audible ringing, (v) outgoing calls only allowed, (vi) only data calls allowed with no audible ringing, (vii) only signaling transmissions from the mobile allowed, and (viii) no traffic calls. (*See, e.g.*, Steer, at 5, lines 21-28).

However, Steer does not teach a method that involves (i) receiving a control signal that comprises a set of alternative control logic, wherein the alternative control logic causes the device to present a vibration alert signal when the device receives the ring signal, or (ii) the device thereafter receiving the ring signal and responsively applying the alternative control logic to present the vibration alert signal rather than applying the default control logic to present the audible alert signal, as recited in claim 11.

Because Steer does not teach each and every element of claim 11, Steer fails to anticipate claim 11 under 35 U.S.C. § 102(e). Further, because each of claims 8-9, 16-17, and 33 depend from claim 11, Steer necessarily also fails to anticipate claims 8-9, 16-17, and 33 as well. Applicant traverses the rejection of claims 3-7, 20-21, and 23, as moot, as these claims have been cancelled.

#### **4. Response to § 103 Rejections**

The Examiner next rejected claim 33 under 35 U.S.C. § 103(a) as being obvious over a combination of Steer and Grube. According to M.P.E.P. § 2143, in order to establish a *prima facie* case of obviousness of a claimed invention by applying a combination of references, the combination must disclose or suggest all of the claim limitations. Applicant respectfully traverses the obviousness rejection of claim 33 because the combination of Steer and Grube fails to disclose or suggest all of the limitations of this claim, as required to support an obviousness rejection.

Claim 33 depends from claim 11 and thus incorporates all of the limitations of claim 11. The combination of Steer and Grube fails to disclose or suggest a method that involves (i) when the device is in a given location, the device receiving a control signal associated with the given location, wherein the control signal comprises a set of alternative control logic to be executed by the device when the device receives the ring signal, wherein the alternative control logic causes the device to present a vibration alert signal when the device receives the ring signal, or (ii) the device thereafter receiving the ring signal and responsively applying the alternative control logic to present the vibration alert signal rather than applying the default control logic to present the audible alert signal.

At best, the combination of Steer and Grube teaches a method in which (i) a message is sent to a device when a determination is made that the device is located within a predetermined geographical region, and (ii) the device determines whether restricted mode operation is required (or whether certain action is required), and if so operates in the restricted mode (or performs the required action, such as limiting telephone interconnect services, restricting RF transmissions, or setting predetermined volume levels). (*See, e.g., Grube, at 3, lines 30-52, Figure 2*). However, Applicant does not see in the combination of Steer and Grube any teaching that involves (i) receiving a control signal that comprises a set of alternative control logic, wherein the alternative control logic causes the device to present a vibration alert signal when the device receives the ring signal, or (ii) the device thereafter receiving the ring signal and responsively applying the alternative control logic to present the vibration alert signal rather than applying the default control logic to present the audible alert signal.

Because the combination of Steer and Grube fails to disclose or suggest all of the limitations of claim 33, a prima facie case of obviousness of this claim does not exist.

## 5. Conclusion

For the foregoing reasons, Applicant submits that claims 8-9, 11, 16-17, and 33 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all of the claims.

Respectfully submitted,

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